

REMARKS

In the Office Action mailed September 8, 2003, the Examiner noted that claims 1-14 were pending, and rejected claims 1-14. Claims 1-7, 9-12 and 14 have been amended and, thus, in view of the forgoing claims 1-14 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

On page 2 of the Action the Examiner objected to the specification and rejected claim 14 under 35 U.S.C. section 112, paragraph 1 for failure to provide a suitable written description particularly noting the "updating a related second schedule responsive to the base time name feature" of claim 14. The portion of the claim of concern to the Examiner is discussed on application pages 38-41 and particularly pages 39-41 with respect to figure 19. Withdrawal of the rejection is requested.

In the Office Action the Examiner rejected claims 1, 2, 5, 9 and 11 under 35 U.S.C. section 112 paragraph 2 as indefinite. The claims have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

On page 4 of the Office Action the Examiner rejected claims 1, 5, 13 and 14 under 35 U.S.C. § 102 as anticipated by Rischar.

Rischar is directed to an industrial controller that schedules event driven tasks. However, Rischar does not mention anywhere, particularly the portions noted by the Examiner (figs. 2, 3, 5, 6, col. 6, lines 3-15, col. 8, lines 35-54 & col. 10, lines 7-28), the use of a base time name for scheduling and schedule updating purposes. Rischar executes events or occurrences or tasks by assessing a queue. Such queue based execution control does not need or involve a base time name as in the present invention.

It appears that the Examiner is basing the rejection on Rischar on a claim interpretation that does not consider or leaves out the feature of setting the schedule based on or "responsive to a base time name". The Examiner is not considering this feature as part of the invention because the Examiner asserts that the part of the claim that addresses this feature is too confusing. As noted above, the claims have been amended to address the Examiner's concerns regarding indefiniteness and the claims should no longer be confusing.

Rischar does not teach or suggest using ("responsive to") a base time name for scheduling a start time and updating a schedule as called for in claims 1, 5, 13 and 14. The Examiner is respectfully requested to consider this feature in the context of each claim as a whole. In particular the Examiner is requested to point to particular columns and lines within Rischar that teach "setting a planned start time of a schedule which is to be determined responsive to a base time name" as recited in claims 1, 5 13 and 14.

It is submitted that the present claimed invention patentably distinguishes over Rischar and withdrawal of the rejection is requested.

On page 5 of the Office Action the Examiner rejected claims 3 and 7 under 35 U.S.C. § 102 as anticipated by Palencia. This rejection also appears to be ignoring (see Office Action at page 11 in paragraph # 25) the feature of setting the schedule responsive to a base time name of the claims.

Palencia discusses a system in which a transaction is activated or released by a periodic external event (or a "sequence of external events" - page 27). In this situation, assuming for arguments sake that a transaction is comparable to a schedule, Palencia starts a schedule based on an external event. The Palencia periodic transactions contain "sets of tasks" (see page 27). Each task within a transaction is activated at some time or "static offset" after the external event has occurred (page 27). That is, Palencia discusses offset of tasks from the start of a transaction (or schedule) and not the offset of a transaction (the schedule itself) from some time.

The invention of claim 7 emphasizes that the "start time" of a (first) schedule is defined or set by an "offset" from an "end time" of a prior or another (second) schedule. Palencia says nothing about referencing a schedule based on an offset from an end time of another schedule and the Examiner is respectfully requested to point to page and line in Palencia where such is alleged to be taught.

Further, the invention of claim 7 also emphasizes the setting of the start time "responsive to the base time name" that is also not taught or suggested by Palencia.

The Examiner is requested to point to particular pages and lines within Palencia that teach "setting a planned start time of a schedule which is to be determined responsive to a base time name" as recited in claim 7.

The invention of claim 3 emphasizes that a first schedule (or an affect causing schedule) affects a second schedule (or a dependent schedule) such that the detected "end time" of the

affecting scheduled updates ("updating") the "planned start time" and the planned or "stored offset time" of the second or dependent schedule. The Examiner is requested to point to particular pages and lines within Palencia that are alleged to teach this feature.

It is submitted that the present claimed invention of claims 3 and 7 patentably distinguishes over Palencia for the above-discussed reasons and withdrawal of the rejection is requested.

Page 7 of the Office Action rejects claims 2, 9 and 11 under 35 U.S.C. § 103 over Rischar and George.

Again the Examiner appears to be basing the rejection on an interpretation that does not consider the base time name scheduling feature discussed above (see for example, "setting a planned start time of a schedule which is to be determined responsive to a base time name" - claim 2). The Examiner is respectfully requested to consider this feature in the context of each claim as a whole.

It is submitted that the invention of independent claim distinguishes over the prior art and withdrawal of the rejection is requested.

Page 10 of the Office Action rejects claims 4, 6, 8, 10, and 12 under 35 U.S.C. § 103 over Palencia and George.

Once again the Examiner appears to be basing the rejection on an interpretation that does not consider the base time name scheduling feature discussed above (see for example, "setting a first planned start time for a first schedule which is to be determined responsive to a base time name" - claim 4). The Examiner is respectfully requested to consider this feature in the context of each claim as a whole.

Further, George is directed to a system for timer based queues where "timers" are being adjusted by being reset or cancelled. George discusses nothing about dependencies between schedule start times, end times, etc. and particularly says nothing about "changing the planned start time of the first schedule which is determined that it has the dependency on the second schedule using the changed end time and the offset, when the end time of the second schedule is changed, and rewriting the planned start time stored in said planned start time storing unit" (claim 4). George essentially adds nothing to Palencia.

It is submitted that the invention of independent claims distinguishes over the prior art and withdrawal of the rejection is requested.

Serial No. 09/814,071

It is submitted that the claims satisfy the requirements of 35 U.S.C. section 112. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

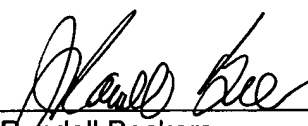
Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

12/2/4

By: _____



J. Randall Beckers
Registration No. 30,358

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501